

SENATOR PIRSCH: Thank you, Mr. President. I have a question of Senator McFarland, if he would yield.

SPEAKER BARRETT: Senator McFarland, would you respond to a question?

SENATOR McFARLAND: Be glad to. Thank you.

SENATOR PIRSCH: What certainty in the application of the death penalty would your amendment guarantee for that limited number?

SENATOR McFARLAND: Well, I think, Senator Pirsch, as the amendment is drawn it would specify exactly that if a person had been convicted of murder, first degree, sentenced to life imprisonment and then they committed a murder while in prison of anybody, whether it's a guard, or anyone else, then the death penalty would be imposed in that circumstance.

SENATOR PIRSCH: Would that be automatic or would that not also have to go through a jury and judge in court?

SENATOR McFARLAND: You would have to go through a judge and jury but I would think...and the reason I define it so narrowly is because that is such a clear example that I would think that it would be...it would be clear enough that it would be imposed in almost all instances.

SENATOR PIRSCH: In your amendment you make no change in the appeals process then?

SENATOR McFARLAND: Of course not.

SENATOR PIRSCH: Okay. Thank you. As presently, I believe that murderers convicted of first degree murder are locked up in separate quarters and, Senator Chambers, that poses a question for you.

SPEAKER BARRETT: Senator Chambers.

SENATOR PIRSCH: If he would yield, please.

SENATOR CHAMBERS: Certainly.

SENATOR PIRSCH: Under your bill would convicted first degree murderers not be kept in a separate confinement area or would